



General Assembly

**Substitute Bill No. 5827**

January Session, 2009

\*            HB05827GAE            032509            \*

**AN ACT CONCERNING THE REMOVAL OF MUNICIPAL ELECTED OR APPOINTED OFFICIALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2009*) (a) Any person who  
2 holds a municipal office, whether by election or appointment, may be  
3 removed from such office pursuant to the provisions of this section if:  
4 (1) The term or tenure of such office is fixed by law, and (2) such  
5 person: (A) Misappropriated public property or funds, (B) violated the  
6 oath of office, (C) was convicted of a felony after such election or  
7 appointment, (D) engaged in any act of malfeasance that adversely  
8 affected the rights and interests of the public, or (E) failed to perform  
9 any duty prescribed by law, to the detriment of the public interest.

10       (b) The Attorney General, the Chief State's Attorney or the state's  
11 attorney for the judicial district in which such municipal officer resides  
12 may file a petition with the Superior Court seeking the removal of such  
13 officer for any reason listed in subdivision (2) of subsection (a) of this  
14 section. Any such petition shall be prosecuted on behalf of the citizens  
15 of the affected municipality by the Attorney General.

16       (c) Upon receipt of any such petition described in subsection (b) of  
17 this section, the clerk of the Superior Court shall issue a summons,  
18 together with a copy of such petition, requiring such municipal officer  
19 to appear before the court on a date, as specified in such summons,

20 and answer the claim described in such petition. Such summons shall  
21 be served not less than thirty days before the return day for such  
22 summons and in a manner consistent with the provisions of chapter  
23 896 of the general statutes.

24 (d) Immediately following the filing of any petition described in  
25 subsection (b) of this section, the Superior Court shall forward a copy  
26 of such petition to the Chief Justice of the Supreme Court of the state  
27 for the purpose of impaneling a three-judge court that consists of three  
28 judges of the Appellate Court of the state. The Chief Justice of the  
29 Supreme Court of the state, without delay, shall appoint three  
30 Appellate Court judges to hear such petition. At the time of making  
31 such appointments, the Chief Justice shall designate the date, time and  
32 place for the convening of such three-judge court. Such date shall be  
33 not less than thirty days after receipt of such petition by the Chief  
34 Justice.

35 (e) Such three-judge court shall hear the claims contained in such  
36 petition and all evidence offered in support of such petition and in  
37 opposition to such petition. Upon the presentation of clear and  
38 convincing evidence in support of the claims contained in such  
39 petition, such three-judge court shall issue an order for the removal of  
40 such person from municipal office. Any such order that either removes  
41 or denies the removal of any such person from municipal office shall  
42 contain such findings of fact and conclusions of law as such three-  
43 judge court shall deem sufficient to support its decision of all issues  
44 presented by such petition.

45 (f) Any such order of removal shall concomitantly order the records,  
46 papers and property of such removed municipal officer to the care,  
47 custody and control of the Attorney General, Chief State's Attorney or  
48 state's attorney, as applicable.

49 (g) An appeal from an order issued pursuant to subsection (e) of this  
50 section may be taken to the Supreme Court of the state not later than  
51 thirty days after the date of entry of such order. The Supreme Court

52 shall consider and decide any such appeal upon the original papers  
53 and documents. The Attorney General shall represent the citizens of  
54 the affected municipality in any such appeal.

55 (h) From the date of any order issued pursuant to subsection (e) of  
56 this section that removes a person from municipal office, until the final  
57 adjudication of any applicable appeal by the Supreme Court, the  
58 municipal officer, commission or authority that has power to fill a  
59 vacancy for such vacant municipal office may fill such vacant  
60 municipal office with a temporary appointment. After the issuance of  
61 any final decision by the Supreme Court in such matter, such vacant  
62 municipal office shall be filled in accordance with any applicable  
63 provision of the general statutes, special act, charter or ordinance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section

**GAE**      *Joint Favorable Subst.*